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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,946	03/30/2004	Jonathan J. Hull	20412-08356	5774
758	7590	09/12/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BAUTISTA, XIOMARA L	
			ART UNIT 2179	PAPER NUMBER
			NOTIFICATION DATE 09/12/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/813,946

Applicant(s)

HULL ET AL.

Examiner

X. L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21,32-38 and 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21,32-38 and 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:12/30/04;10/31/05;1/27/06;4/17/06;9/29/06;11/7/06;2/2/07;7/20/07.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species I in the reply filed on August 22, 2007 is acknowledged.
2. Claims 22-31, 39 and 40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/22/2007.
3. A new grouping of claims for the Restriction Requirement is supplied hereby to correct the group of claims corresponding to their appropriate species.
4. This application contains claims directed to the following patentably distinct species:
 - a. Species I, figs. 1-3 and 6-10, directed towards processing and outputting multimedia data in a variety of formats, as per claims 1-21, 32-38 and 41-50;
 - b. Species II, figs. 4, 5 and 8, directed towards detecting events in multimedia data and performing an action in response to the event, then processing the multimedia data by inserting a multimedia object into the multimedia document, as per claims 22-31, 39 and 40.

5. The species are independent or distinct because they are shown to be separately usable. In the instant case, Species II has a separate utility such as performing an action when detecting an event in the multimedia data; comparing a profile of the event; and outputting a waveform representing the multimedia data

1. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

2. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

3. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one

claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3, 5-13, 15, 16, 18, 32-36, 38, 41-47, 49 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by *Tonomura et al* (US 5, 576,950).**

Claim 1:

Tonomura discloses a method for receiving multimedia data by a multimedia processing device capable of outputting a document (abstract; col. 2, lines 43-54; col. 4, lines 53-67; col. 5, lines 1-21); the device configured to process the multimedia data and output the processed multimedia data (col. 4, lines 17-33, 40-44, 53-67; col. 5, lines 1-21; col. 11, lines 56-67; col. 12, lines 1-52).

Claim 2:

Tonomura teaches multimedia data is video and audio data (col. 4, lines 53-64).

Claim 3:

Tonomura teaches the video signal source is a multimedia data stream (col. 16, lines 57-59).

Claim 5:

Tonomura teaches receiving multimedia data from a storage device (col. 1, lines 6-13; col. 3, lines 1-10; col. 4, lines 7-52).

Claims 6, 7, 35, 49 and 50:

Tonomura teaches identifying a pre-determined multimedia event in the multimedia data (col. 2, lines 43-46, 63-67; col. 3, lines 1-10; col. 11, lines 56-67), and performing an action if the event is identified (col. 12, lines 14-23, 37-52).

Claims 8 and 36:

Tonomura teaches performing an action associated with a multimedia event in an event table when the event is identified (col. 2, lines 63-67; col. 3, lines 1-10).

Claim 9:

Tonomura teaches a system that creates graphical representations of video and audio signals. Tonomura explains that audio and video signals are grabbed as digital image data (col. 3, lines 1-28; col. 5, lines 55-67; col. 6, lines 1-12).

Claims 10 and 47:

See claim 1. Tonomura teaches outputting the processed multimedia data by writing the processed multimedia data to an archive file (col. 2, lines 63-67; col. 3,

lines 1-10; col. 4, lines 6-20, 40-52 col. 6, lines 3-22; p. 12, lines 1-15, 41-52; fig. 1).

Claim 11:

Tonomura teaches that processed multimedia data are a representation of the received multimedia data (col. 11, lines 56-67; col. 12, lines 15-23).

Claim 12:

Tonomura teaches outputting the processed multimedia data by outputting portions of the multimedia data as video paper (col. 6, lines 3-21; col. 12, lines 14-23).

Claim 13:

Tonomura teaches outputting the processed multimedia data by outputting portions of the multimedia data as a paper document (col. 2, lines 30-40, 43-54; col. 4, lines 30-33; col. 5, lines 1-30, 49-52; col. 11, lines 26-32, 50-67; col. 12, lines 29-32).

Claim 15:

See claim 1. Tonomura teaches capturing a video frame from video data and saving it to a file for later access (col. 6, lines 3-12; col. 11, lines 56-67).

Claims 16, 34 and 38:

Tonomura teaches outputting comprises saving the processed multimedia data to a storage medium and indexing the processed data (col. 2, lines 30-54; col. 5, lines 57-67; col. 10, lines 50-53; col. 11, lines 56-63; col. 12, lines 15-23).

Claim 18:

See claim 1. Tonomura teaches a capturing device for capturing multimedia data (col. 4, lines 14-29; col. 5, lines 1-43; col. 6, lines 52-67; col. 11, lines 55-67; col. 12, lines 29-52), and generating a control signal to be transmitted to the peripheral device (col. 4, lines 53-67).

Claims 32, 33, 44 and 45:

See claims 1, 12 and 13. Tonomura teaches outputting processed multimedia data in paper-based (col. 2, lines 30-40, 43-54; col. 4, lines 30-33; col. 5, lines 1-30, 49-52; col. 11, lines 26-32, 50-67; col. 12, lines 29-32) and electronic formats (col. 6, lines 3-21; col. 12, lines 14-23).

Claims 41, 42 and 43:

See claim 1. Tonomura teaches a printing device having a printer, a processor for processing multimedia data, a memory for storing processed multimedia data, and an output system for outputting the multimedia data (figs. 1 and 13 A).

Claim 46:

Tonomura teaches an indexing/mapping module for mapping contents of the multimedia data to a file (figs. 1, 3, 4, 6, 11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 4, 14, 17 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tonomura* and *Behzad Shahraray et al* (Shahraray hereinafter; article entitled "Pictorial Transcripts: Multimedia Processing Applied to Digital Library Creation").**

Claim 4:

Tonomura does not teach that multimedia data is received from a network. However, Shahraray discloses a system for retrieving multimedia data from the Internet, creating representations of information contained in the multimedia data, storing the representations for later access, and outputting the information in electronic form (pages 581-586). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to modify Tonomura's method of retrieving multimedia information to include Shahraray's teaching of retrieving multimedia data from the Internet because it enables users to search, browse and retrieve media data from a vast collection of information around the

world.

Claims 14 and 37:

See claims 1 and 4. Tonomura/Shahraray teaches storing multimedia data for later access over the Internet (server/client), (Shahraray: page 581).

Claim 17:

See claims 1 and 4. Tonomura does not teach transcribing audio data into text and outputting the text. However, Shahraray teaches retrieval of video and audio data, processing and outputting the media data in text and pictorial form (Shahraray: pages 584-586). Thus, it would have further obvious to an artisan in the art at the time of invention to modify Tonomura's method of capturing and outputting multimedia data to include Shahraray's teaching of converting and outputting audio data into text data to provide a media representation because users are enabled to generate a summary of multimedia data for easy and fast review of data that is of interest to the user.

9. **Claims 19-21 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tonomura* and *Strub et al* (US 2004/0156616 A1).**

Claims 19, 20, 21 and 48:

See claim 18. Tonomura teaches processing multimedia data for localization (col. 5, lines 1-22; col. 7, lines 35-51; col. 9, lines 24-25; col. 11, lines 50-66).

Tonomura does not teach a control signal for orienting the peripheral device to improve monitoring quality; performing audio or video localization; and controlling orientation of a microphone or video capture device by using the control signal. However, Strub discloses a system and method for using audio and video recording devices to record an event (abstract; p. 1, par. 0003; p. 2, par. 0015-0016). Strub teaches that an audio and video communication device can include a transmitter for transmitting a signal representing communicative information to be displayed or processed (p. 5, par. 0036). Strub explains that the system includes a position sensing device for ascertaining the position (location and/or orientation) of the recording unit at any point in time (p. 6, par. 0039; p. 9, par. 0064). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tonomura's invention to include Strub's teaching of using audio and video localization to control orientation of the peripheral devices because it enables capture of quality video and audio obtained at a distance without much user interaction.

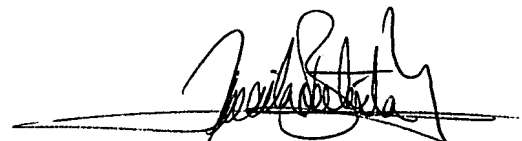
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to X. L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



X. L. BAUTISTA
PRIMARY EXAMINER